

Serial No. 09/990,039

Docket No. NC19202US (4208-4028)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mika Grundström

Serial No. 09/990,039

Art Unit: 2144

Filed: November 20, 2001

Examiner: Shaw, Andy Peling

For: **MULTICAST ADDRESS TO PACKET IDENTIFIER MAPPING FOR
BROADCAST SYSTEMS**

Mail Stop: Appeal
Commissioner for Patents
Washington, D.C. 20231

REPLY BRIEF

Dear Sir:

Appellants submit this Reply Brief in response to the Examiner's Answer having a mail date of June 25, 2007. This Appeal is from the decision of the Examiner in an Office Action mailed March 3, 2006 ("Final Office Action"), which finally rejected all claims in the above-identified utility patent application, and further in view of the decision from a pre-appeal brief conference request for review, the response to which was mailed September 28, 2006.

The Commissioner for Patents is authorized to charge any additional fees necessitated by this Reply Brief to our deposit account no. 13-4500 (Order No. 4208-4028).

I. APPELLANT COMMENTS IN RESPONSE TO EXAMINER'S ANSWER

For the sake of convenience and readability, Appellants have attempted to respond to the arguments set forth in the Examiner's Answer in the same format utilized by the Examiner.

A. Recitation of Background information with respect to the present Appeal

With regard to pages 1-12 of the Examiner's Answer, Appellants wish only to point out a minor typographical error discovered on page 1. On page 1, the Examiner has set forth that, "This is in response to the appeal brief filed on 03/03/2006 appealing from the Office action mailed 03/03/2006." Appellants wish to clarify that the Appeal Brief was originally filed on October 27, 2006, and therefore, this statement should in actuality state, "This is in response to the appeal brief filed on 10/27/2006 appealing from the Office action mailed 03/03/2006."

B. Examiner's Response to Argument, Section 10 of the Reply Brief

In paragraph "A, 1." the Examiner states that "constructing a data packet," as recited in at least claim 1, is anticipated by Momirov in view of what was known in the art at the time the invention was made. While Appellants are somewhat unclear as to the exact argument being asserted in paragraph "1.", Appellants nonetheless emphasize that, in accordance with the Examiner's own interpretation of the Momirov reference as set forth in paragraph "1.", Momirov does not "construct" elements of a data packet as claimed, but instead merely precedes or appends additional routing information to existing data packets. This added information may specify, for example, link layer or network layer information. On the contrary, the claimed invention sets forth "generating" an address value that is based on the IP or MAC address of the

device (i.e., not link or network layer information as in Momirov). This address information is then formatted for population into a packet for use as selection criteria by a receiving terminal. Appellants therefore continue to respectfully assert that these claim limitations are clearly distinguishable from Momirov and what was known in the art as alleged by the Examiner.

The Examiner continues in paragraph “A, 2.” by stating that the recitation of “by a receiving terminal” in at least claim 1 is not distinguishable from Momirov, as the reference teaches the same process with respect to operation within the same device (e.g., by a port). Initially, Appellants respectfully contend that Momirov is exclusively directed to controlling routing within a singular device (e.g., column 1, lines 52-53), and further, that one of ordinary skill in the art at the time the invention was made would not have equated a “port” that exists in a unified device with the claimed invention involving a clearly separate “receiving terminal.” Further, while unclaimed aspects of the invention may not read from the specification into the claims in order to narrow the claims, the specification is the primary source for defining terms specifically recited in the claims. The Examiner may not generalize the present invention by applying blinders when reading claim terms discussed in the specification. Appellants have clearly set forth examples of a receiving terminal in at least FIG. 1 and paragraphs 0024-0025. Further, the functionality referenced in Momirov (e.g., column 8, lines 8-18) utilizes mapping tables to route packets, which has been clearly distinguished by Appellants in previous responses.

Further, with regard to this distinction, Appellants have consistently argued that the present invention, as claimed, is clearly distinguishable from Momirov at least with respect to

the method by which packets are routed. The present invention, for example as described in paragraph s 0007-0009 of the disclosure, minimizes the number of cross-reference tables utilized to route packets by encoding IP or MAC address information directly into each packet. On the contrary, Momirov makes extensive use of cross-reference tables for packet routing (e.g., see abstract, FIG. 3A-C and columns 5-9), which adds overhead and decreases routing efficiency.

Paragraph “B, 1.” states that Momirov describes a “hashing” process at column 10, line 27-column 11, line 8. Appellants emphasize that the Momirov system’s lack of any “hashing” functionality has been argued throughout the prosecution of this application, and that the process recited in Momirov does not constitute a “hashing” function according to what was known in the art at the time the invention was made. Momirov describes a process of routing packet fragments within a switch device, while “hashing”, as was known in the art at the time of invention, is a data integrity safeguard wherein the contents of received information is verified against a value such as a checksum. As a result, the Momirov process is not “hashing,” and claim 9, and any claims that require a “hashing” function, are distinguishable from Momirov.

The Examiner further alleges in paragraph “C, 1.” (i.e., page 15 of the Examiner’s Answer) that new dependent claims 111 and 112 added through amendment during prosecution:

“contain negative limitations, i.e. ‘...based only formatted address value’ and ‘...established without the use of tables used to link the PID to the multicast address.’ that are disclosed in the original specification or claims in how these limitation is meet. Here applicant has also disclosed these limitations in the background information as prior art information. Thus these two previous claims are determined to be of the same scope as the cited original claims, i.e. claims 1-3, 5 and 7-10.”

Appellants respectfully assert that the aforementioned statement made by the Examiner is incorrect. The Examiner has taken completely out of context that some of the arguments made with respect to new claims 111 and 112 make reference to the background of the invention. However, in actuality Appellants only made reference to the background of the invention in their discussion to clearly distinguish these newly added claims from any prior art disclosure made in the background of the invention. As a result, Appellants continue to argue that these claims are distinguishable from any prior art of record, whether it be in Appellants' disclosure or referenced by the Examiner as a part of the prosecution history in this application.

With respect to paragraph "D, 1.", as best understood by Appellants, the Examiner attempts to establish that each and every limitation of claims 63, 71 and 79 is anticipated by Momirov in the same manner as set forth with respect to claim 1. Appellants again emphasize that the aforementioned claims include limitations directed to multicast elements not found in claim 1, and therefore, the scope of these claims is distinguishable. Further, even if weight were given to the discussion in Momirov of a "multicast table for mapping multicast identifier to per port bit vector; (Fig. 7)," reliance on multicast tables for packet routing is clearly distinguishable from the present invention, as claimed and previously argued, wherein the use of tables in packet routing is minimized because IP or MAC address information is used to generate address values populated into a header fields that will be used as packet selection criteria by receiving terminals.

With respect to paragraph "E, 1.", Appellants simply reiterate that paragraphs 0039 and 0050-0052 of the specification disclose an exemplary data packet and corresponding

generation process, wherein a totally new address header is generated. Appellants argue that “generating,” as recited in claims 32, 42 and 52, is at least a calculation or computation that amounts to data manipulation more substantial than looking up information in a cross-reference table. As a result, the claimed invention is distinguishable from the Momirov disclosure. Further, with respect to summary paragraphs, “F, 1.” and “G, 1.” of the Examiner’s Answer, Appellants refer to sections “F” and “G” of the previously filed Appeal Brief that clearly set forth the relevant arguments with respect to claims 88, 95 and 102, and 109 and 110, respectively.

With respect to paragraph “H, 1.” of the Examiner’s Answer, the combination of Momirov and Bigham is discussed. The Examiner asserts that the only limitation not shown in the Momirov reference is a wireless handheld terminal. Appellants respectfully contend that the prosecution history, including the Appeal Brief, has established further deficiencies in Momirov than the omission of a wireless handheld terminal. Therefore, the provision of only a wireless handheld terminal by Bigham is not enough to establish a claim rejection. In view of these deficiencies, while Bigham may describe a routing system that utilizes a PDA with IR capability, the reference does not disclose the requirements of claim 31 wherein the apparatus of claim 21 is a wireless handheld terminal, the wireless handheld terminal performing the method of claim 1. On the contrary, in Bigham, the digital entertainment terminal (DET) is the device actually handling the processing and routing of data, and according to column 29, line 61 to column 30, line 6, this device is connected via a coaxial cable drop (hardwired) to the network. As a result, Bigham does not remedy the deficiencies of Momirov, and the rejection should be withdrawn.

II. CONCLUSION

In view of the previously presented responses to the Examiner's Answer, Appellants continue to assert that the Examiner has not set forth adequate grounds in order to reject each of the claims 1-112, and Appellants further believe that all pending claims are allowable. Appellants therefore request that the Examiner's rejection be reversed, the Final Office Action be withdrawn and all claims be allowed.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4028. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

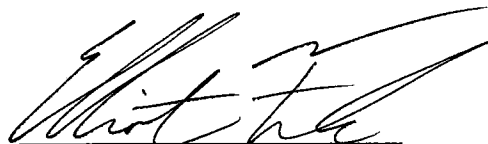
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4028. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN

Dated: August 2, 2007

Mailing Address:
MORGAN & FINNEGAN
3 World Financial Center
New York, New York 10821-2101
(212) 415-8700
(212) 415-8701 Facsimile

By:



Elliot Frank
Registration No. 56,641
(202) 857-7887 Telephone
(202) 857-7929 Facsimile